

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF TURKEY)	
CREEK SOLAR, LLC FOR A CONSTRUCTION)	
CERTIFICATE TO CONSTRUCT AN)	CASE NO.
APPROXIMATELY 50 MEGAWATT MERCHANT)	2020-00040
ELECTRIC SOLAR GENERATING FACILITY IN)	
GARRARD COUNTY, KENTUCKY PURSUANT)	
TO KRS 278.700 AND 807 KAR 5:110)	

ORDER

This matter is before the Siting Board upon the following: (1) a petition for reconsideration and clarification filed on October 19, 2020 (Petition), by Turkey Creek Solar, LLC (Turkey Creek) requesting reconsideration and clarification of certain mitigation requirements imposed by the September 23, 2020 Order (Final Order); (2) a motion for decision filed on March 24, 2021; and (3) a motion and notice of withdrawal filed on June 15, 2021.¹

On March 27, 2020, Turkey Creek filed an application requesting a Certificate of Construction to construct a 50-megawatt alternating current solar photovoltaic electric generating facility to be located in Lancaster, Garrard County, Kentucky. The Siting Board's Final Order conditionally authorized Turkey Creek a Certificate of Construction to construct the proposed solar facility subject to Turkey Creek complying with the

¹ In its motion for decision, Turkey Creek informed the Siting Board that it filed an Amended Certificate of Authority indicating a change in name from Turkey Creek Solar, LLC, to SR Turkey Creek, LLC. The reference to Turkey Creek herein is intended to apply to that entity, which has simply changed its name.

mitigation requirements that were discussed in the Final Order and set forth in Appendix A to the Final Order.

Turkey Creek states that it “has reviewed the Siting Board’s proposed mitigation measures in detail, and the majority of the measures are acceptable to Turkey Creek”² and that the “[p]etition is designed to seek changes and clarifications to a small group of mitigation measures that will inhibit the ability for solar to be developed in Kentucky, including the ability of the [Turkey Creek solar project] to move forward.”³

Turkey Creek filed a motion and notice of withdrawal (Motion) on June 15, 2021. In that Motion, Turkey Creek narrowed the scope of its Petition by withdrawing certain requests. It continues to seek modification of one mitigation measure and one ordering paragraph from the Final Order.

Turkey Creek seeks modification of mitigation measure 8, as provided in the Final Order, which stated therein:

Turkey Creek shall implement the modified vegetative buffers to those properties that are within 1,500 feet of the solar facilities boundary lines before the tamping of the racking panels and Turkey Creek shall schedule the tamping process at these nearby homes so that the tamping will occur at the end of the tamping process period.⁴

Turkey Creek points to the Siting Board’s recent decisions that have a similar mitigation measure that requires a construction method that will suppress noise from the pile driving process to be implemented when pile driving is within 1,500 feet from a noise sensitive

² Petition at 3.

³ *Id.*

⁴ Final Order, Appendix A at 2.

receptor,⁵ and states that it is amenable to this mitigation measure. The Siting Board finds that this modification is reasonable.

Turkey Creek has also requested a modification of ordering paragraph 2 from the Final Order, which granted Turkey Creek's motion for deviation from the setback requirements, with the exception that the inverters be located at least 626 feet from the closest residence and the Garrard County High School, given that the application provided that the location of the inverters at least at such a distance. In its Motion, Turkey Creek states the inclusion of 626 feet was actually based on a mistake made in referencing this distance in its application and exhibits thereto. Turkey Creek further avers that any requirement that inverters be located no closer than 626 feet to the closest residence may threaten the viability of solar development projects in Kentucky, including Turkey Creek. Accordingly, Turkey Creek requests the Siting Board reconsider this requirement and allow a revision to ordering paragraph 2 to require all solar infrastructure be at least 200 feet from the project's external property boundaries and 300 feet from any neighborhood. The Siting Board finds that this revision should be granted, with the exception that central inverters shall be located at least 450 feet from any residence.⁶

⁵ Motion at 4, citing to Case No. 2020-00219, *Electronic Application of AEUG Madison Solar, LLC, for a Certificate of Construction for an Approximately 100 Megawatt Merchant Electric Solar Generating Facility in Madison County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (K.S.B. June 9, 2021); Case No. 2020-00206, *Electronic Application of AEUG Fleming Solar, LLC, for a Certificate of Construction for an Approximately 188 Megawatt Merchant Electric Solar Generating Facility in Fleming County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (K.S.B. May 24, 2021).

⁶ This measure is also consistent with recent Siting Board decisions. See Case No. 2020-00280, *Electronic Application of Ashwood Solar I, LLC for a Certificate of Construction for an Approximately 86 Megawatt Merchant Electric Solar Generating Facility in Lyon County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (K.S.B. June 21, 2021); Case No. 2020-00208, *Electronic Application of Northern Bobwhite Solar, LLC for a Certificate of Construction for an Approximately 96 Megawatt Merchant Electric Solar Generating Facility in Marion County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (K.S.B. June 18, 2021); Case No. 2020-00190, *Electronic Application of Horseshoe Bend Solar, LLC for a*

IT IS THEREFORE ORDERED that:

1. Turkey Creek's motion and notice of withdrawal filed on June 11, 2021, is granted with the exception as noted below with respect to ordering paragraph 2 of the Siting Board's Final Order.

2. The eighth mitigation measure in the Siting Board's Final Order of September 23, 2020, is hereby replaced with the following mitigation measure:

8. If the pile driving activity occurs within 1,500 feet of a noise sensitive receptor, Turkey Creek should implement a construction method that will suppress the noise generated during the pile driving process (i.e., semi-tractor and canvas method; sound blankets on fencing surrounding the solar site; or any other comparable method).

3. The second ordering paragraph on page 40 of the Siting Board's Final Order of September 23, 2020, is hereby replaced with the following ordering paragraph:

2. Turkey Creek's motion for deviation from the 2,000 feet setback requirement is granted. All solar infrastructure shall be at least 200 feet from the project's external property boundaries and 300 feet from any neighborhood, with the exception that central inverters be located at least 450 feet from any residence.

4. Turkey Creek's petition for reconsideration and clarification filed on October 19, 2020, is granted in part and denied as moot in part, as detailed above.

5. Turkey Creek's motion for decision filed on March 24, 2021, is denied as moot.

By the Kentucky State Board on Electric
Generation and Transmission Siting

Judge Executive John Wilson and Kenneth Parsons did not participate in the deliberations or decision in this matter.



ATTEST:



Executive Director
Public Service Commission
on behalf of the Kentucky State
Board on Electric Generation
and Transmission Siting

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